

HOUSE No. 2876

By Mr. Mariano of Quincy, petition of Ronald Mariano and Philip Travis relative to criminal offender record information checks for assisted living employees. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CRIMINAL OFFENDER RECORD INFORMATION CHECKS FOR ASSISTED LIVING EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 6 of the General Laws is hereby amended by inserting
2 after section 172E the following section:—

3 Section 172E½. Notwithstanding any provision of section 172,
4 criminal record information shall be available to any assisted
5 living residences as defined in section 1 of chapter 19D and to any
6 continuing care facility as defined in section 1 of chapter 40D for
7 the purpose of obtaining criminal offender record information on
8 an applicant under final consideration for, or an individual cur-
9 rently employed in, a position that involves the provision of direct
10 personal care or treatment to residents of such facility. Any such
11 assisted living residence or continuing care facility shall obtain all
12 available criminal offender record information from the criminal
13 history systems board on an applicant under final consideration
14 for a position that involves the provision of direct personal care or
15 treatment to residents.

16 An assisted living residence or continuing care facility which
17 obtains information under this section shall prohibit the dissemi-
18 nation of such information for any purpose other than to further
19 the protection of the elderly or the disabled, including, but not
20 limited to, dissemination among and between assisted living resi-
21 dences and continuing care facilities.

22 An assisted living residence or continuing care facility may
23 employ an individual for a position that involves the provision of

24 direct personal care or treatment to residents of such facility on a
25 conditional basis prior to receiving the results of such individual's
26 criminal offender record check from the criminal history systems
27 board.

28 No assisted living residence or continuing care facility shall be
29 liable for civil damages to any individual so conditionally
30 employed and subsequently discharged by reason of information
31 received as a result of a criminal offender record information
32 check completed pursuant to this section.

33 The criminal history system board may waive or reduce the fee
34 assessable pursuant to section 172A for criminal offender record
35 information made available pursuant to this section.

36 Notwithstanding any general or special law to the contrary, the
37 division of medical assistance shall, subject to appropriation,
38 reimburse assisted living residences and continuing care facilities
39 for the portion of the costs associated with obtaining criminal
40 record information on employees pursuant to this section.